

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2804**

BY DELEGATES LANE, FERRO, WILLIAMS, PHILLIPS,

MAYNARD AND ROBINSON

[Originating in the Committee on Health and Human

Resources; Reported on March 21, 2017]



1 A BILL to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating  
2 to continuing education requirements; removing continuing education requirements; and  
3 removing outdated provisions.

*Be it enacted by the Legislature of West Virginia:*

1 That §30-1-7a of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF  
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

**§30-1-7a. Continuing education.**

1 (a) ~~Each~~ A board referred to in this chapter shall establish continuing education  
2 requirements as a prerequisite to license renewal. ~~Each~~ A board shall develop continuing  
3 education criteria appropriate to its discipline, which shall include, but not be limited to, course  
4 content, course approval, hours required and reporting periods.

5 (b) Notwithstanding any other provision of this code or the provision of ~~any~~ a legislative  
6 rule to the contrary, each person issued a license to practice medicine and surgery, a license to  
7 practice podiatry or licensed as a physician assistant by the West Virginia Board of Medicine;  
8 each person issued a license to practice dentistry by the West Virginia Board of Dental Examiners,  
9 each person issued a license to practice optometry by the West Virginia Board of Optometry,  
10 each person licensed as a pharmacist by the West Virginia Board of Pharmacy, each person  
11 licensed to practice registered professional nursing or licensed as an advanced nurse practitioner  
12 by the West Virginia Board of Examiners for Registered Professional Nurses, each person  
13 licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed  
14 Practical Nurses and each person licensed to practice medicine and surgery ~~as an osteopathic~~  
15 ~~physician and surgeon~~ or licensed ~~or certified as an osteopathic~~ as a physician assistant by the  
16 West Virginia Board of Osteopathy shall complete drug diversion training, best-practice

17 prescribing of controlled substances training and training on prescribing and administration of an  
18 opioid antagonist, as the trainings are established by his or her respective licensing board, if that  
19 person prescribes, administers or dispenses a controlled substance, as that term is defined in  
20 section one hundred one, article one, chapter sixty-a of this code.

21 (1) Notwithstanding any other provision of this code or the provision of any legislative rule  
22 to the contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners,  
23 the West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia  
24 Board of Examiners for Registered Professional Nurses, the West Virginia State Board of  
25 Examiners for Licensed Practical Nurses and the West Virginia Board of Osteopathy shall  
26 establish continuing education requirements and criteria appropriate to their respective discipline  
27 on the subject of drug diversion training, best-practice prescribing of controlled substances  
28 training and prescribing and administration of an opioid antagonist training for each person issued  
29 a license or certificate by their respective board who prescribes, administers or dispenses a  
30 controlled substance, as that term is defined in section one hundred one, article one, chapter  
31 sixty-a of this code, and shall develop a certification form pursuant to subdivision (b)(2) of this  
32 section.

33 (2) Each person who receives his or her initial license or certificate from any of the boards  
34 set forth in subsection (b) of this section shall complete the continuing education requirements  
35 set forth in subsection (b) of this section within one year of receiving his or her initial license from  
36 that board and each person licensed or certified by any of the boards set forth in subsection (b)  
37 of this section who has held his or her license or certificate for longer than one year shall complete  
38 the continuing education requirements set forth in subsection (b) of this section as a prerequisite  
39 to each license renewal: *Provided*, That a person subject to subsection (b) of this section may  
40 waive the continuing education requirements for license renewal set forth in subsection (b) of this  
41 section if he or she completes and submits to his or her licensing board a certification form  
42 developed by his or her licensing board attesting that he or she has not prescribed, administered

43 or dispensed a controlled substance, as that term is defined in section one hundred one, article  
44 one, chapter sixty-a of this code, during the entire applicable reporting period.

45 (c) Notwithstanding any other provision of this code or the provision of any legislative rule  
46 to the contrary, each person licensed to practice registered professional nursing or licensed as  
47 an advanced nurse practitioner by the West Virginia Board of Examiners for Registered  
48 Professional Nurses, each person licensed as a licensed practical nurse by the West Virginia  
49 State Board of Examiners for Licensed Practical Nurses, ~~each person issued a license to practice~~  
50 ~~midwifery as a nurse midwife by the West Virginia Board of Examiners for Registered~~  
51 ~~Professional Nurses, each person issued a license to practice chiropractic by the West Virginia~~  
52 ~~Board of Chiropractic~~, each person licensed to practice psychology by the board of Examiners of  
53 Psychologists, each person licensed to practice social work by the West Virginia Board of Social  
54 Work and each person licensed to practice professional counseling by the West Virginia Board of  
55 Examiners in Counseling shall complete two hours of continuing education for each reporting  
56 period on mental health conditions common to veterans and family members of veterans, as the  
57 continuing education is established ~~or approved~~ by his or her respective licensing board. In  
58 cooperation with the Secretary of the Department of Veterans' Assistance, the continuing  
59 education shall include training on inquiring about whether the patients are veterans or family  
60 members of veterans, and screening for conditions such as post-traumatic stress disorder, risk of  
61 suicide, depression and grief and prevention of suicide. The two hours shall be part of the total  
62 hours of continuing education required by each board and not two additional hours.

63 ~~(1) Notwithstanding any other provision of this code or the provision of any rule to the~~  
64 ~~contrary, on or before July 1, 2015, the boards referred to in this subsection shall establish~~  
65 ~~continuing education requirements and criteria and approve continuing education coursework~~  
66 ~~appropriate to their respective discipline on the subject of mental health conditions common to~~  
67 ~~veterans and family members of veterans, in cooperation with the Secretary of the Department of~~  
68 ~~Veterans' Assistance. The continuing education shall include training on inquiring about whether~~

69 ~~the patients are veterans or family members of veterans, and screening for conditions such as~~  
70 ~~post-traumatic stress disorder, risk of suicide, depression and grief and prevention of suicide.~~

71 ~~(2) On or after July 1, 2017, each person licensed by any of the boards set forth in this~~  
72 ~~subsection shall complete the continuing education described herein as a prerequisite to his or~~  
73 ~~her next license renewal.~~

NOTE: The purpose of this bill is to remove chiropractic physicians from the list of medical professionals required to complete continuing education in the area of mental health conditions common to veterans and family members of veterans.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.